

ORDER SHEET
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Miscellaneous Application No.S-384 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
1.	For orders on office objections.
2.	For hearing of main case.

26.07.2021.

Mr. Faheem Shaikh, Advocate for the applicant.

Ms. Sobia Bhatti, A.P.G for the State.

Mr. Shamshad Ali Qureshi, Advocate files Vakalatnama on behalf of the respondent No.3, taken on record.

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Heard arguments.

Ali Hyder a boy aged about 2 ½ years after death of her mother is maintained by the private respondent, who is said to be his maternal grand-father. The applicant who is said to be father of the said boy after carrying a feeling that his son has been detained illegally by his maternal grand-father has sought for his custody, by way of instant application u/s: 491 Cr.P.C.

The custody of the said boy after death of his mother with his material grand-father could hardly be said to be illegal, which may constitute an act of his wrongful detention. If, the applicant is having a feeling that the welfare of the said boy being father is lying with him then he could prove the same by filing such application before the Guardian Court having jurisdiction.

In view of above, the instant criminal miscellaneous application being misconceived is dismissed accordingly.

JUDGE

Muhammad Danish Steno*